IN RE: PETITION FOR ZONING VARIANCE SW/S Windsor Mill Road, 140' SE of the c/l of Hutton Place (5505 Windsor Mill Road) 1st Election District

Petitioners

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

2nd Councilmanic District * Case No. 89-415-A Eric B. Waskey, et ux

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 19 feet in lieu of the required front yard average of 27 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 5505 Windscr Mill Road, consists of 6,050 sq.f . zoned D.R. 5.5 and is improved with a single family dwelling which has been the Petitioner's residence for the past 19 years. Petitioners propose enclosing the existing front porch to expand the living room and kitchen space to accommodate their Spamily, which includes six children. Petitioners testified that presently their living room is very small and they have no dining room. Further testimony indicated that due to the increased crime in their area, the younger children are not able to spend time outdoors unsupervised so the additional space inside is needed. Mr. Waskey testified he has spoken with his neighbors who have no objection to their request.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for day of April, 1989 that the Petition for Zoning Variance to permit a front yard setback of 19 feet in lieu of the required front yard average of 27 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

Date: 4-3-89

ZONING DESCRIPTION

Beginning on the SW/S of Windsor Mill Road 140 Pt. SE of the centerline of Hutton Place. Being 1 of lot 16 and all of lots 17 and 18, Block 24, Addition To Windsor Terrace 5/64. Containing 6050 Sq. Ft. in the 1st. Elect. dist. Also

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 89-415-A

Date of Posting April 7 - 89 District of Marianse

Posted for: Marianse

Petitioner: Cric 18 Whathy Lux

Location of property: SWS of Window Well Road, 140'SE Of

Mr. C/L of Hutton Mace (5505 Window Mill Road)

Location of Signs: On front of 5505 Window Mill Road

Posted by A. Signature

Date of return: 4-14-89

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

Mr. & Mrs. Eric B. Waskey 5505 Windsor Mill Road Baltimore, Maryland 21207

DISTRIBUTION
WATE-CASHER PINK-AGENCY YELLOW-CUSTOMER

Petition for Zoning Variance CASE NUMBER: 89-415-A SWS Windsor Mill Road, 140' SE c/l Hutton Place 5505 Windsor Mill Road 1st Election District - 2nd Councilmanic Petitioner(s); Eric B. Waskey, et ux

HEARING SCHEDULED: TUESDAY, APRIL 25, 1989 at 2:00 p.m. Dear Mr. & Mrs. Waskey:

Please be advised that $\frac{2/3.58}{15.58}$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check navable fice, County Office BALTIMORE COUNTY, MARYLAND) minutes before OFFICE OF FINANCE - REVENUE DIVISION NISCELLANEOUS CASH RECEIPT d post set(s), there E-01-015-000 AMOUNT_\$ 113.5% Posting & Advartising (x9-415-A) nes B B 125***** 11358: a 2252 F

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

April 27, 1989

Mr. & Mrs. Eric B. Waskey 5505 Windsor Mill Road Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE SW/S Windsor Mill Road, 140' SE of the c/l of Hutton Place (5505 Windsor Mill Road) 1st Election District - 2nd Councilmanic District Eric B. Waskey, et ux - Petitioners Case No. 89-415-A

Dear Mr. & Mrs. Waskey:

Enclosed please and a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

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ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

File

AMN:bjs

LANDMARK COMMUNITY NEWSPAPER!

Westminster, Md., THIS IS TO CERTIFY that the annex was published for OFF that the annex to the WHY SEEM day of HOTCL

NOTICE OF HEARING

appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the is-

period for good cause shown. Such request must be in writing and received in this office by the

date of the hearing set above or

J. ROBERT HAINES

presented at the hearing.

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Community Times, a wee LANDMARK COMMUNITY NEWSPAPER

Carroll County Times, a c'

CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of TOWSON, MD., March 24 . 1989 THIS IS TO CERTIFY, that the annexed advertisement was the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 as follows: published in THE JEFFERSONIAN, a weekly newspaper published Petition for Zoning Variance Case number: 89-415-A SWS Windsor Mill Road, 140' SE c/l Hutton Place 5505 Windsor Mill Road 1st Election District 2nd Councilmanic Petitioner(s): Eric B. Waskey, et ux in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on March 23, 19 89 Hearing Date: Tuesday, Apr. 25, 1989 at 2:00 p.m. Variance: to permit a front yard setback of 19 ft. in lieu of the required front yard average of 27 ft. In the event that this Petition a THE JEFFERSONIAN. granted, a building permit may be issued within the thirty (30) da

> Publisher PO 10844 1eg M 27094

co 89-409-X

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section

303.1 to permit a front yard setback of 19 ft.

Variance from Section

in lieu of the required average of 27 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) We have six children and need a larger living room as traffic is very, very tight in the living room. 2. We need to make an eating area as we are far too cramped as it is now.

3. The children spend a good amount of time indoors as it is not safe for them to go out on Windsor Hill Road. 4. We would like to make the frost of the house more secure Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Eric B. Waskey (Type or Print Name) (Type or Print Name) with Harkey . *[] ______* Constance R. Vaskey (Type or Print Name) Pro 18814 City and State Attorney for Petitioner 5505 Windsor Mill Road 298-0064 W 27,410 (Type or Print Name) Baltimare, MD 21207 Name, address and phone number of legal owner, contract purchaser or representative to be contacted City and State Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this ...

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

March 9, 1989

NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-415-A SWS Windsor Mill Road, 140' SE c/l Hutton Place 5505 Windsor Mill Road 1st Election District - 2nd Councilmanic Petitioner(s); Eric 8. Waskey, et ux HEARING SCHEDULED: TUESDAY, APRIL 25, 1989 at 2:00 p.m.

Variance to permit a front yard setback of 19 ft. in lieu of the required front yard average of 27 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

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J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Waske